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10/676,509	10/01/2003	Allegra A. May	69506	8548

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EXAMINER

HARRIS, CHANDA L

ART UNIT PAPER NUMBER

3714

DATE MAILED: 04/07/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/676,509

Applicant(s)

MAY, ALLEGRA A.

Examiner

Chanda L. Harris

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 9/23/04, 10/4/04.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3, 6-15, 17-20, 24, 25 and 27-30 is/are rejected.
- 7) ☒ Claim(s) 4, 5, 8-11, 16, 21-23 and 26 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 01 October 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Status of Claims***

In response to the Amendments filed 10/4/04 and 9/23/04, Claims 1-30 are pending.

### ***Specification***

The use of the trademarks FLASH, JAVA, JAVASCRIPT, INTERNET EXPLORER, PHOTOSHOP, ILLUSTRATOR, TRUESPEECH, and REALAUDIO have been noted in this application. Applicant is required to review the specification for any other instances of trademarks and make the appropriate corrections. They should be capitalized wherever they appear and be accompanied by the generic terminology.

Although the use of trademarks is permissible in patent applications, the proprietary nature of the marks should be respected and every effort made to prevent their use in any manner which might adversely affect their validity as trademarks.

### ***Claim Objections***

Claim 1 is objected to because of the following informalities: "a processor for executing web browser-based language instruction system" should be -- a processor for executing a web browser-based language instruction system --. Appropriate correction is required.

***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 8-11 and 19 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 8 recites the limitation "said second language" in line 9. There is insufficient antecedent basis for this limitation in the claim. Also, it is not clear in Claims 8 and 19 whether the second language is different from the first language. Appropriate correction is required.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

**Claims 1-3, 6-10, 12-14, 17-20, 24-25, and 27-30 are rejected under 35 U.S.C. 102(e) as being anticipated by Siegel (US 6,442,523). The rejection from the previous office action is maintained and is incorporated herein by reference.**

Regarding the amendments to Claims 1, 17-20, 24-25, and 27-30, a processor for executing a web browser-based language instruction program would have been an

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inherent feature of Siegel's invention in light of his Web Browser Embodiment. See Col.18: 30. Siegel discloses an HTML page comprising an embedded web object (i.e., word), said embedded web object for playing a digital recording of said word for playback. See Col.19: 17-27 and FIGS. 11-13. Siegel discloses a rollover region (i.e., word) on the display screen associated with said word for playback and defined at a position on the display screen selected from a position overlapping a position of said word and a position visually associated with said word, said rollover region configured to cause audible playback of said word in said first language when at least apportion of the cursor is moved over the rollover region. See Col.19: 17-19.

Regarding Claims 7, 9, 12, and 13, Applicant argues that there is not teaching or suggestion that each word of a multiword phrase or sentence be individually selectable. However, Siegel discloses such in Col.19: 17-27. Therefore, the rejection of Claims 7, 9, 12 and 13 are maintained.

Regarding Claims 20, 24-25, and 27-30, Applicant argues that there is no teaching or suggestion of a method for developing a language instruction system. However, this argument is directed to the intended use of the inventions which has no bearing on the patentability of the claimed invention. Therefore, Examiner maintains that Siegel, as applied to the claim limitations recited in the claims above, discloses the claimed invention.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Siegel in view of Hull (US 5,919,046).**

Regarding Claim 15, Siegel does not disclose expressly wherein the pointing device is a transparent touch screen overlaying said display screen. However, Hull teaches such in Col.2: 41-50. Therefore, at the time of the invention, it would have been obvious to one of ordinary skill in the art to incorporate wherein the pointing device is a transparent touch screen overlaying said display screen into the method and system of Siegel, in light of the teaching of Hull, in order to enable input on the screen by a person's finger.

***Allowable Subject Matter***

1. Claims 4-5, 16, 21-23, and 26 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.
2. Claims 8-11 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

### ***Citation of Pertinent Prior Art***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- Croteau et al. (US 2002/0182570)  
-rollover hotspots providing text
- Feig (US 2002/0055088)  
-point-and-click language education
- Johnson et al. (US 2004/0029084)  
-playing audio while displaying a graphical representation of a vocabulary item

### ***Response to Arguments***

Regarding Claims 1-30, Applicant argues that the claimed invention and the system and method taught by Siegel are different and are directed to solving different problems. However, Examiner maintains that Siegel discloses the invention pertaining to the claims above.

Applicant argues that Siegel is directed to a method for the auditory navigation of on-screen textual information by a person who understands the on-screen language in its spoken form, but who cannot read while the present invention is directed to a language instruction program for assisting a user in learning to speak a language. However, these arguments are directed to intended use of the inventions which has no bearing on the patentability of the claimed invention. Therefore, Examiner maintains

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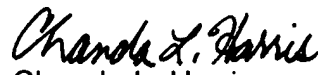
that Siegel, as applied to the claim limitations recited in the claims above, discloses the claimed invention. Applicant's arguments have been fully considered but they are not persuasive.

Applicant's arguments with respect to claim 15 has been considered but are moot in view of the new ground(s) of rejection. See rejection above. This action is made NON-FINAL.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chanda L. Harris whose telephone number is 571-272-4448. The examiner can normally be reached on M-F 6:30am-4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jessica Harrison can be reached on 571-272-4449. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Chanda L. Harris  
Primary Examiner  
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